IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 24130 of 2004

Between:

Mamidisetti Babu Rao S/o.Late Sri M.Rama Rao
R/o.Madiki Village, Alumuri Mandal East Godavari District.

... PETITIONER

AND

1 The District Collector, (Panchayat Wing) East Godavari At

Kakinada.
2 The Sub Collector, Rajahmundry, East Godavari District.
3 The Mandal Revenue Officer Alumuru, East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, more particularly one in the nature of writ of Mandamus: i) Directing the respondents herein to handover the possession of following land to the petitioner herein ie., (1) S.No.213-16-B-0-35 (2) S.No.214/10-B-1-18 (3) S.No.232/7A-0-17=total 1 acre 70 cents situated at Chilakalapudi Village under the Madiki Village Grampanchayat Mandal, Alamuru, East Godavari District; which was assigned to the petitioner through the Proceedings of R-3 herein Vide No.B/51/2002 dt.25.2.2004. ii) Declare the action of respondents in not handing over the possession of said land is illegal, arbitrary, violative of Article 14,21 of Constitution of India, and against the Policy of the State Government in assigning the lands to the ex-service man quota even though it was assigned on 25.2.2004. iii) and to pass any such other order or orders as deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.CHANDRASEKHAR

Counsel for the Respondent No.: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking a writ of Mandamus directing the respondents to handover the possession of the land admeasuring several acres in S.No.213-16-B-0.35, S.No.214/10-B etc., situated at Chilakalapudi village, Alamuru, East Godavari District, which was assigned to them by the third respondent, through Proc.No.B/51/2002 dated 25-02-2004 and to declare the action of the respondents in not handing over the possession of the said land as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with consent the writ petition is being disposed of finally at the admission stage.

3. Petitioner claims that respondent No.3, through Proceedings No.B/51/2002 dated 25-02-2004, assigned the land situated in S.No.213/16-B to an extent of Ac.0.35 cents, land in S.No.214/10B to an extent of Ac.1.18 cents and the land in S.No.232/7A to an extent of Ac.0.17 cents at Chilakalapadu Village, Madiki Grampanchayat, Alamaru Mandal, East Godavari District, in his favour. It is the case of the petitioner that land in a total extent of Ac.1.70 cents situated in the said survey numbers, was assigned to one Eduri Varchalamma and after the death of the said lady, neighbours tried to grab the said land. It is further submitted that petitioner, being an Ex-service man, requested the respondents to assign the said land in his favour as per G.O.Ms.No.743, Revenue Department dated 30-04-1963. While things stood thus, neighbours of the said land filed W.P.No.24950/2000, stating that the said land was being used as road by the villagers, which was admitted by this Court and interim stay was granted. It is further submitted that petitioner filed Vacate Stay Petition and this Court passed an order dated
14-10-2003 modifying the earlier stay order and directed the respondents to consider the grant of assignment of the above said land to the petitioner. Thereafter, the second respondent conducted an enquiry and issued proceedings

R.Dis.D/4829/A/2004 dated 23-02-2004 granting assignment of the above said land to the petitioner and directed the third respondent to issue patta accordingly, who in turn, issued 'D' Form patta in the petitioner's favour vide Ref.No.B/51/2002 dated 25-02-2004 assigning land in an extent of Ac.1.70 cents situated at Chilakalapadu Village, Alumuru Mandal, East Godavri District.

4. It is now alleged by the petitioner, that though the third respondent issued patta for the said land, as per the directions of the second respondent, is not handing over possession of the said assigned land to the petitioner. Aggrieved by the said action, petitioner said to have made several representations, the latest one being 20-11-2004, to the Revenue Divisional Officer, Rajahmundry, who is acting as Sub-Collector, to handover the possession of the said land to him. It is alleged that, no action whatsoever has been taken on the said representation.

5. Inasmuch as the representation said to have been filed by the petitioner is pending before the respondents, I deem it appropriate to dispose of the writ petition with the following direction.

6. The respondents shall consider the representation dated
20-11-2004 said to have been filed by the petitioner, and pass appropriate orders thereon, expeditiously.

The writ petition is accordingly disposed of at the admission stage.

_____

N.V. RAMANA, J

December 23, 2004

MRR / TVK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The District Collector, (Panchayat Wing) East Godavari At

Kakinada.
2 The Sub Collector, Rajahmundry, East Godavari District.
3 The Mandal Revenue Officer Alumuru, East Godavari District.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad

(OUT)

5 Two C.D. Copies.